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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,135	05/06/1999	JANICE LYNN FARMER	TH1213(US)	3066

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TODD F VOLYN  
SHELL OIL COMPANY  
LEGAL INTELLECTUAL PROERTY  
P O BOX 2463  
HOUSTON, TX 772522463

EXAMINER

PHAM, KHANH B

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 04/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/306,135

Applicant(s)

FARMER ET AL.

Examiner

Khanh B. Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-17 are rejected** under 35 U.S.C. 102(a) as being anticipated by Henderson (U.S Patent 5,712,990).

**As per claim 1**, Henderson teaches a hazard communication apparatus comprising:

- “an authoring module having an automated means for decompiling material data” at Col. 11 lines 1-25;
- “an automated means for associating the decompiled data with hazard information” at Col. 12 lines 15-25;
- “a means for recompiling material data associated with hazard information to provide hazard information about the material, its components, decomposition products of the material, and substances related to the material” at Col. 12 lines 25-45;
- “a means for disseminating hazard information about said material, its components, decomposition products of the material, and substances related to the material wherein said means for disseminating hazard

information communicates with said authoring module” at Col. 16 lines 55-65;

**As per claim 2**, Henderson teaches: “said means for decompiling material data comprises a deblending analyzer” at Col. 11 lines 1-25.

**As per claim 3**, Henderson teaches: “said means for decompiling material data further comprises a substance processor” at Col. 10 lines 25-50.

**As per claim 4**, Henderson teaches: “said means for recompiling material data associated with hazard information is a rules engine for generating words and phrases used in the production of documents and system output” at Col. 11 lines 25-50, and Col. 21 lines 15-30.

**As per claim 5**, Henderson teaches: “said means for disseminating hazard information is a distribution module” at Col 19 line 50 to Col. 20 line 10.

**As per claim 6**, Henderson teaches: “said means for disseminating hazard information is an online module” at Col. 21 lines 45-50.

**As per claim 7**, Henderson teaches: “said means for disseminating hazard information is a labeling module” at Col. 16 lines 55-65.

**As per claim 8**, Henderson teaches a process for communicating hazard information comprising:

- “entering material information into an authoring module wherein said material information is decompiled” at Col. 11 lines 1-25
- “associated with the material information, recompiled to provide hazard information about the material, its components, decomposition products of

the material, and substances related to the material and such hazard information to product hazard communication documents” at Col. 12 lines 15-45;

- “distributing said communication documents” at Col. 19 lines 50-65.

**As per claim 9**, Henderson teach a machine for communicating hazard information comprising:

- “a general purpose computer” at Col. 26 lines 30-35;
- “computer instructions organized into modules including an authoring module and a distribution module” at Col. 11-12 and Col. 19-20.
- “said general purpose computer programmed with said computer instruction” at Col. 26 lines 15-35.

**As per claim 10**, Henderson teaches: “material information is enter into said authoring module, said material information is decompiled, associated with the material information, recompiled to provide hazard information about the material, its components, decomposition products of the material, and substances related to the material and such hazard information to produce hazard communication documents” at Cols. 11-12;

**As per claim 11**, Henderson teaches: “said instructions are computer programming code” at Col. 26 lines 30-35.

**As per claim 12**, Henderson teaches: “said computer programming code comprises software” at Col. 26 lines 30-35.

**As per claim 13**, Henderson teaches “an article of manufacture comprising the software of claim 12” at Col. 26 lines 30-35.

**As per claims 14, 17**, Henderson teaches a hazard communication apparatus comprising:

- “an authoring module having an automated means for decompiling material data” at Col. 11 lines 1-25;
- “a rules engine for automatically associating the decompiled data with hazard information by associating words and phrases with the decompiled data for use in the production of documents and system output to provide hazard information about the material, its components, decomposition products of the material, and substances related to the material” at Col. 12 lines 15-45, and Col. 21 lines 15-30;
- “a means for disseminating hazard information about said material, its components, decomposition products of the material, and substances related to the material wherein said means for disseminating hazard information communicates with said authoring module” at Col. 16 lines 55-65;

**As per claim 15**, Henderson teaches a hazard communication apparatus comprising:

- “an authoring module having an automated means for decompiling material data” at Col. 11 lines 1-25;

- “a rules engine for automatically associating the decompiled data with hazard information by associating words and phrases with the decompiled data for use in the production of documents and system output to provide hazard information about the material, its components, decomposition products of the material, and substances related to the material” at Col. 12 lines 15-45 and Col. 21 lines 15-35;
- “a means for disseminating hazard information about said material, its components, decomposition products of the material, and substances related to the material wherein said means for disseminating hazard information communicates with said authoring module” at Col. 16 lines 55-65;

**As per claim 16**, Henderson teaches: “said means for associating the decompiled data with hazard information is a rules engine for associating words and phrases with the decompiled data for use in the production of documents and system output” at Col. 12 lines 15-45 and Col. 21 lines 15-35;

### ***Response to Arguments***

3. Applicant's arguments filed 2/22/2002 have been fully considered but they are not persuasive. Examiner respectfully traverses applicant's arguments.

In response to applicant's argument regarding independent claims 1, 8 and 9 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “automated deblending and substance

processing", and "application of rules or a rules engine") are not recited in the rejected independent claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that Henderson (U.S 5,712,990) does not teach "rules for associating words and phrases with decompiled data for use in the production of documents and system output to provide hazard information about the material". On the contrary, Henderson teaches "*periodically generating, by preprogrammed computer steps comparing the container-field-set creating data with current data, a printout of selected information related to all containers open for longer than a selected threshold period*" (Col. 21 lines 15-25). In this case, the rule: "*all containers open for longer than a selected threshold period*" was used to produce of documents and system output to provide hazard information about the material.

### **Conclusion**

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Macia Fletcher whose telephone number is (703) 305-4903 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-



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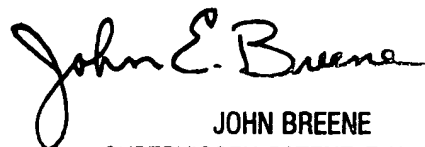
7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

KBP

Khanh B. Pham  
Art Unit 2177  
April 16, 2002



JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100